

CLOSED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MONTVALE SURGICAL CENTER, LLC
a/s/o JUSTIN GUTSCHMIDT,

Plaintiff,

v.

HORIZON BLUE CROSS BLUE SHIELD
OF NEW JERSEY INC. and DISTRICT
COUNSEL IRONWORKERS WELFARE
FUND OF NORTHERN NEW JERSEY,

Defendants.

Civil Action No. 12-3685 (SRC)

ORDER

CHESLER, District Judge

This matter having come before the Court upon two motions: the motion to dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) filed by Defendant Ironworkers District Council of North Jersey Welfare Fund (the “Fund”) [docket entry 6] and the motion to dismiss the Complaint pursuant to Rule 12(b)(6) filed by Defendant Horizon Blue Cross Blue Shield of New Jersey Inc. (“Horizon”) [docket entry 12]; and Plaintiff Montvale Surgical Center, LLC having opposed the motions; and the Court having advised the parties that it would treat the motions as motions for summary judgment pursuant to Rule 12(d) [docket entry 14]; and the Court having provided the parties an opportunity to submit additional materials upon its conversion of the motions to motions for summary judgment pursuant to Federal Rule of Civil Procedure 56; and the parties having submitted no additional materials or briefing; and the Court having proceeded to rule based on the papers submitted and without oral argument pursuant to

Federal Rule of Civil Procedure 78; and for the reasons expressed in the Opinion filed herewith,

IT IS on this 5th day of February, 2013,

ORDERED that summary judgment in favor of the Fund be and hereby is **GRANTED**;

and it is further

ORDERED that summary judgment in favor of Horizon be and hereby is **GRANTED**;

and it is further

ORDERED that this case is **CLOSED**.

s/ Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge